

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDA

CASE NO. _____

UNITED STATES OF AMERICA

Plaintiff,

vs.

DR. CHAD LIVDAHL, N.D., DR. ZARAH
KARIM, N.D., TOXIN RESEARCH
INTERNATIONAL, INC., POWDERZ,
INC., THE COSMETIC PHARMACY,
INC., and Z SPA INC.,

Defendants.

_____/

TEMPORARY RESTRAINING ORDER

Plaintiff, the United States of America, having filed its Complaint for Emergency Temporary Restraining Order, Preliminary and Permanent Injunction, along with its Motion, Memorandum of Law and the declarations of FDA Special Agents Susan J. Leeds and Tina Stasulli Korb, against Dr. Chad Livdahl, Dr. Zarah Karim, Toxin Research, Inc., the Cosmetic Pharmacy, Inc., Powderz, Inc., and Z Spa, Inc. (“defendants”),

THE COURT, having considered the Complaint, Motion, Memorandum of Law, and supporting declarations, and it appearing that the defendants are violating, and, unless restrained by order of this Court, will continue to violate the Federal Food, Drug, and Cosmetic Act (FDCA), 21 U.S.C. § 331(a), by causing the introduction or delivery for introduction into interstate commerce of a drug, as defined in 21 U.S.C. § 321(g)(1), which is misbranded, as

defined in 21 U.S.C. § 352(f)(1), and by violating 18 U.S.C. §§ 1345, 371, 1001, and this Court having jurisdiction to restrain violations of the FDCA under 21 U.S.C. § 332(a), and fraud on the government pursuant to 18 U.S.C. § 1345(b),

IT IS HEREBY ORDERED AND ADJUDGED that the United States Motion for Temporary Restraining Order (“TRO”) is hereby GRANTED, without prior notice to defendants, pursuant to the Court’s authority under Rule 65 of the Federal Rules of Civil Procedure.

IT IS HEREBY FURTHER ORDERED AND ADJUDGED that pursuant to this TRO, defendants, and each and all of their officers, agents, representatives, employees, successors, assigns, attorneys, and any and all persons in active concert or participation with any of them (including franchisees, affiliates, and “doing business as” entities) shall:

(1) Immediately cease the production, shipment and/or sale of Botulinum Toxin Type A in interstate commerce.

(2) Immediately cease injecting Botulinum Toxin Type A into human beings.

(3) Immediately cease the promotion and advertisement related in any manner to Botulinum Toxin Type A.

(4) Immediately cease any educational and/or informational seminars related in any manner to Botulinum Toxin Type A.

Pursuant to Rule 65(c) of the Federal Rules of Civil Procedure, plaintiff United States shall not be required to post security for the instant action.

This Temporary Restraining Order shall remain in force until the ____ day of _____, _____, _____ a.m./p.m., or at such later date as may be extended by the Court or agreed upon by the parties.

The parties shall take notice that this matter shall come before the Court for a preliminary injunction hearing on the ____ day of _____, _____, at _____ a.m./p.m., at Chambers, 299 East Broward Blvd., Ft. Lauderdale, FL 33301, in accordance with the United States Motion for Temporary Restraining Order, Preliminary and Permanent Injunctive Relief. Defendants may request an earlier hearing on the terms of this Temporary Restraining Order in accordance with Rule 65 of the Federal Rules of Civil Procedure.

DONE AND ORDERED in Chambers, in Fort Lauderdale, FL, this ____ day of December 2004.

UNITED STATES DISTRICT JUDGE

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